

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

CHRISTINA R. CURCURI,  
  
Plaintiff,  
  
v.  
  
MASSACHUSETTS BAY  
TRANSPORTATION AUTHORITY  
and AMTRAK,  
  
Defendants.

**ASSENTED TO MOTION TO TAKE ADDITIONAL DEPOSITION  
AND POSTPONE FINAL PRETRIAL CONFERENCE  
TO ACCOMMODATE MEDIATION**

The defendants, National Railroad Passenger Corporation (“Amtrak”) and the Massachusetts Bay Transportation Authority (“MBTA”), move, with the assent of the plaintiff Christina Curcuru (“Ms. Curcuru”), for authorization to take the deposition of Alan Gold, Ms. Curcuru’s treating psychologist, and for postponement of the final pretrial conference on this matter for 60 days to accommodate the taking of Mr. Gold’s deposition and to permit the parties to try to resolve this dispute through mediation.

As grounds there for, the parties state as follows:

1. The defendants have deposed Ms. Curcuru and Susan Jampel, the licensed clinical independent social worker who treated her during the 2002 calendar year.
2. Ms. Curcuru deposed Eric Hardy on January 26, 2006.

3. Within the next week, Amtrak will produce Mr. Hardy's personnel and department files, subject to execution of a confidentiality agreement. A detailed list of the contents of these files was produced to Ms. Curcuru in December. Mr. Hardy, a former Amtrak employee, did not authorize their disclosure until January 26, 2006.
4. Ms. Curcuru testified in her deposition of December 7, 2005 that she did not receive any counseling after July 2002 until the autumn of 2005 when she began treating with Alan Gold.
5. Ms. Curcuru further testified that her emotional condition required further treatment for which she has been visiting with Mr. Gold.
6. Ms. Curcuru's alleged emotional distress and psychological disturbance are the basis of her substantial damages claim and have been made a significant issue by her in this civil action. The defendants have a right to learn about this recent therapy to help determine the degree of any such suffering and the validity of her claim that it is attributable to this incident, and not other factors.
7. The defendants did not know of Mr. Gold's role in this matter until Ms. Curcuru's deposition. At the time of Ms. Curcuru's deposition she had only recently begun treating with Mr. Gold. The defendants received a signed medical authorization for Mr. Gold's medical records on January 12, 2006 and immediately sent it to Mr. Gold. At present, all parties are awaiting receipt of Mr. Gold's records which are expected to arrive shortly.

8. Mr. Gold has a busy practice and is not available for deposition without significant disruption to the treatment of his clients (for dates at which counsel for all parties are also available) until late February, 2006.
9. The parties have agreed to attempt to resolve this matter through mediation. The earliest that a mutually agreed upon mediator is available (after the deposition of Mr. Gold has been taken) on dates when counsel for all parties are also available is late March, 2006. It does not seem advisable to proceed with the final pretrial conference, currently scheduled for February 7, 2006, until discovery has been completed and mediation attempted.

WHEREFORE, the defendants ask, with the plaintiff's assent, that they be permitted to depose Mr. Gold, and that the final pretrial conference be rescheduled to take place no earlier than April 7, 2006.

**Respectfully submitted,**

**DEFENDANT,**  
National Railroad Passenger Corporation  
("Amtrak"),  
by its attorneys,

**DEFENDANT,**  
Massachusetts Bay Transportation Authority,  
By its attorney,

s/Stephen E. Hughes  
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s/Paul J. Sahovey  
Paul J. Sahovey, BBO No. 271020  
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DATED: January 30, 2006

**Assented to by:**

**PLAINTIFF,**  
Christina Curcuru,  
By her attorneys,

s/John P. Matheson  
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Timothy G. Lynch, BBO No. 546442  
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Dated: January 30, 2006